

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6138

BILL NUMBER: HB 1054

NOTE PREPARED: Nov 8, 2006

BILL AMENDED:

SUBJECT: Convictions and Elections.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: No Fiscal Impact

Summary of Legislation: This bill reconciles certain inconsistent provisions in current law regarding: (1) the definition of "felony"; and (2) when a certified copy of the sentencing order issued in connection with the removal of a public officer must be filed.

(The introduced version of this bill was prepared by the Sentencing Policy Study Committee.)

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Under current law, it is possible that either an elected official or a candidate for state or local office could be disqualified for committing a Class A misdemeanor even though only persons convicted of a felony are disqualified. This is because IC 3-8-1.5 defines a felony as a conviction for which the convicted person might be imprisoned for at least one year.

Class A misdemeanors are crimes that are punishable by a fixed term of imprisonment of not more than one year and a monetary fine of not more than \$5,000. Consequently, it is possible that a candidate for public office or a person already elected may be disqualified from either running for election or serving in a state or local office because the person was sentenced for a one-year term of imprisonment as a Class A misdemeanor.

This bill specifies that felonies apply only to crimes for which a convicted person may be sentenced for more than one year in prison. Consequently, public officers and candidates who have committed Class A misdemeanors would not be affected.

Explanation of Local Revenues:

State Agencies Affected: State offices.

Local Agencies Affected: County, township, city, or town offices.

Information Sources: Indiana Code

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